IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

PAUL POGUE and PAUL POGUE, in his capacity as owner of SURVEYORS' PARK)
Plaintiffs,)) CIVIL ACTION NUMBER
v.) 2:06-cv-148-MHT
TONY CHANDLER, et al.,	
Defendants.)

State of Alabama County of Montgomery

AFFIDAVIT OF CHARLES T. CONWAY

Before me, a Notary Public in and for said County and State, personally appeared Charles T. Conway and, after having been by me first duly sworn, deposes and says under oath as follows:

- 1. My name is Charles T. Conway. I am over (19) nineteen years of age and have personal knowledge of the facts as are set out herein.
- 2. I am employed by the Alabama Forestry Commission as an Attorney. I have been designated an Assistant Attorney General for the State of Alabama. I am one of the attorneys representing the Defendants in this action.
- 3. I am aware that, in a document entitled "Plaintiffs Response Involving Document Number Twenty Five," the Plaintiff in this case claims that on August 31,

2006, he mailed a document to me in response to the Defendants' First Requests for Admission. The Defendants' First Requests for Admission were served on the Plaintiff on August 21, 2006.

- 4. I deny that I received the response to which the Plaintiff refers. In fact, I have received no mail whatsoever from the Plaintiff since the Defendants' First Requests for Admission were served on the Plaintiff. As of this date, I have not received a mailing which the Plaintiff claims he placed in the mail on October 18, 2006.
- 5. My first notice of the Plaintiff's purported answers to the Defendants' First Requests for Admission occurred on October 19, 2006, when I received documents from the Plaintiff through the Court's CM/ECF system.
 - 6. I have experienced no difficulties in receiving mail from any other source.

SWORN TO and SUBSCRIBED BEFORE ME on this the 23 day of October, 2006.

(SEAL)

Klaina M. Wuller

Notary Public

My commission expires: November 14, 2008